

October 21, 2022

Ms. Cynthia Ireland
Washington Department of Labor and Industries
7273 Linderson Way SW
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Comments on the Proposed Wildfire Smoke Rules

The Washington Retail Association (WR) represents about 4,000 retailers statewide that range from large national chains to small shops. Our members include wholesalers, small and large shops, auto dealers, auto tires and repair services, professionals, mall owners, and operators. Retail is the second largest employer in Washington State with about 400,000 workers. Retail jobs and sales tax are significant contributors to both the economy and the well-being of every community in the state.

WR has members impacted by the wildfire smoke rules largely due to the key functions that the retail sector provides during the wildfire season. These include (1) emergency roadside repair and services, (2) providing food, water, supplies, and vehicle services for emergency responders, businesses, and residents in impacted areas, and (3) providing service and repair for business and home equipment.

Accordingly, WR suggests the following:

- 1. WR suggests that the definition of Emergency Response be clarified so that those who supply food, water, equipment, vehicle services, and essential supplies needed by emergency responders, businesses, and residents in impacted areas are included in the definition of Emergency Response. Additionally, WR urges clarification that the definition also includes emergency roadside response when keeping roads clear of vehicles aids in firefighting and emergency response in the impacted area.**

The proposed rule includes the following definition for Emergency Response:

Rescue, evacuation, utilities, communications, transportation, and medical operations when such operations are directly aiding firefighting, protecting affected community's public health and safety; actively protecting, restoring or maintaining the safe and reliable operation of critical infrastructure at risk" (Lines 41-45, Proposed Rule)

WR believes that the suggested clarifications will help eliminate confusion and implementation of the wildfire smoke rule.

Additionally, the suggested clarifications will not put retail employees at risk from wildfire smoke because they work either intermittently, or completely in indoor settings that eliminate most, if not all, of the health hazards associated with wildfire smoke. Emergency roadside workers have access to their vehicles when needed repairs and services are completed.

2. WR urges L&I to evaluate the cumulative economic and small business impacts of the proposed heat exposure and wildfire smoke rules.

L&I is currently undertaking rule making for both heat and wildfire smoke exposure. Each rule, on its own, has unique impacts on businesses and residents, particularly across Central and Eastern Washington where heat and wildfires are a common occurrence. Moreover, heat events are often correlated with wildfires; hence it makes sense to evaluate the cumulative impacts of the rules. Such an analysis will assist in finding the most effective, and least costly approach to protecting workers from both adverse heat and smoke exposure.

Thank you for considering these comments. WR looks forward to working with L&I as this process moves forward.



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